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SENATE

{ REPORT
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FREEDOM'S WAY NATIONAL HERITAGE AREA ACT

JUNE 16, 2008.—Ordered to be printed

Mr. BINGAMAN, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany S. 827]

The Committee on Energy and Natural Resources; to which was referred the bill (S. 827) to establish the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Freedom's Way National Heritage Area Act" .

SEC. 2. PURPOSES.

The purposes of this Act are—

- (1) to foster a close working relationship between the Secretary and all levels of government, the private sector, and local communities in the States of Massachusetts and New Hampshire;
- (2) to assist the entities described in paragraph (1) to preserve the special historic identity of the Heritage Area; and
- (3) to manage, preserve, protect, and interpret the cultural, historic, and natural resources of the Heritage Area for the educational and inspirational benefit of future generations.

SEC. 3. DEFINITIONS.

In this Act:

- (1) HERITAGE AREA.—The term "Heritage Area" means the Freedom's Way National Heritage Area established by section 4(a).
- (2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the local coordinating entity for the Heritage Area designated by section 4(d).
- (3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area required under section 5(a)(1).
- (4) MAP.—The term "map" means the map entitled "Freedom's Way National Heritage Area", numbered T04/80,000, and dated July 2007.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 4. ESTABLISHMENT.

(a) IN GENERAL.—There is established the Freedom’s Way National Heritage Area in the States of Massachusetts and New Hampshire.

(b) BOUNDARIES.—

(1) IN GENERAL.—The boundaries of the Heritage Area shall be as generally depicted on the map.

(2) REVISION.—The boundaries of the Heritage Area may be revised if the revision is—

- (A) proposed in the management plan;
- (B) approved by the Secretary in accordance with section 6(d); and
- (C) placed on file in accordance with subsection (c).

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the local coordinating entity.

(d) LOCAL COORDINATING ENTITY.—The Freedom’s Way Heritage Association, Inc., shall be the local coordinating entity for the Heritage Area.

SEC. 5. DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.

(a) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(1) prepare, and submit to the Secretary, in accordance with section 6, a management plan for the Heritage Area;

(2) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

- (A) carrying out programs and projects that recognize and protect important resource values within the Heritage Area;
- (B) establishing and maintaining interpretive exhibits and programs within the Heritage Area;
- (C) developing recreational and educational opportunities in the Heritage Area;
- (D) increasing public awareness of, and appreciation for, natural, historic, and cultural resources of the Heritage Area;
- (E) protecting and restoring historic buildings in the Heritage Area that are consistent with the themes of the Heritage Area; and
- (F) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area;

(3) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(4) conduct meetings open to the public at least quarterly regarding the development and implementation of the management plan;

(5) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this Act specifying—

- (A) the accomplishments of the local coordinating entity;
- (B) the expenses and income of the local coordinating entity;
- (C) the amounts and sources of matching funds;
- (D) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(E) grants made to any other entities during the fiscal year;

(6) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this Act, all information pertaining to the expenditure of the funds and any matching funds;

(7) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and

(8) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(b) AUTHORITIES.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this Act to—

- (1) make grants to the States of Massachusetts and New Hampshire, political subdivisions of the States, nonprofit organizations, and other persons;
- (2) enter into cooperative agreements with, or provide technical assistance to, the States of Massachusetts and New Hampshire, political subdivisions of the States, nonprofit organizations, Federal agencies, and other interested parties;
- (3) hire and compensate staff;

- (4) obtain funds or services from any source, including funds and services provided under any other Federal law or program;
 - (5) contract for goods or services; and
 - (6) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.
- (c) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this Act to acquire any interest in real property.
- (d) USE OF FUNDS FOR NON-FEDERAL PROPERTY.—The local coordinating entity may use Federal funds made available under this Act to assist non-Federal property that is—
- (1) described in the management plan; or
 - (2) listed, or eligible for listing, on the National Register of Historic Places.

SEC. 6. MANAGEMENT PLAN.

- (a) IN GENERAL.—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.
- (b) REQUIREMENTS.—The management plan for the Heritage Area shall—
- (1) describe comprehensive policies, goals, strategies, and recommendations for the conservation, funding, management, and development of the Heritage Area;
 - (2) take into consideration existing State, county, and local plans in the development and implementation of the management plan;
 - (3) provide a framework for coordination of the plans considered under paragraph (2) to present a unified historic preservation and interpretation plan;
 - (4) contain the contributions of residents, public agencies, and private organizations within the Heritage Area;
 - (5) include a description of actions and commitments that governments, private organizations, and citizens plan to take to protect, enhance, and interpret the natural, historic, scenic, and cultural resources of the Heritage Area;
 - (6) specify existing and potential sources of funding or economic development strategies to conserve, manage, and develop the Heritage Area;
 - (7) include an inventory of the natural, historic, and recreational resources of the Heritage Area, including a list of properties that—
 - (A) are related to the themes of the Heritage Area; and
 - (B) should be conserved, restored, managed, developed, or maintained;
 - (8) recommend policies and strategies for resource management that—
 - (A) apply appropriate land and water management techniques;
 - (B) include the development of intergovernmental and interagency agreements to protect the natural, historic, and cultural resources of the Heritage Area; and
 - (C) support economic revitalization efforts;
 - (9) describe a program for implementation of the management plan, including—
 - (A) restoration and construction plans or goals;
 - (B) a program of public involvement;
 - (C) annual work plans; and
 - (D) annual reports;
 - (10) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this Act;
 - (11) include an interpretive plan for the Heritage Area; and
 - (12) include a business plan that—
 - (A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and
 - (B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.
- (c) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this section, the local coordinating entity shall not qualify for additional financial assistance under this Act until the management plan is submitted to, and approved by, the Secretary.
- (d) APPROVAL OF MANAGEMENT PLAN.—

(1) REVIEW.—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(2) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(A) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(B) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(C) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the natural, historic, and cultural resources of the Heritage Area;

(D) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(E) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(F) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(3) ACTION FOLLOWING DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(ii) may make recommendations to the local coordinating entity for revisions to the management plan.

(B) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(4) AMENDMENTS.—

(A) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this Act to implement an amendment to the management plan until the Secretary approves the amendment.

SEC. 7. DUTIES AND AUTHORITIES OF THE SECRETARY.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or non-reimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(2) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under paragraph (1).

(3) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(A) conserving the significant natural, historic, and cultural resources of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(b) EVALUATION REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under section 11, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the local coordinating entity with respect to—

- (i) accomplishing the purposes of this Act for the Heritage Area; and
 - (ii) achieving the goals and objectives of the approved management plan for the Heritage Area;
 - (B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and
 - (C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.
- (3) REPORT.—
- (A) IN GENERAL.—Based on the evaluation conducted under paragraph (1) (A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.
 - (B) REQUIRED ANALYSIS.—If the report prepared under this paragraph recommends if that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—
 - (i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and
 - (ii) the appropriate time period necessary to achieve the recommended reduction or elimination.
 - (C) SUBMISSION TO CONGRESS.—On completion of a report under this paragraph, the Secretary shall submit the report to—
 - (i) the Committee on Energy and Natural Resources of the Senate; and
 - (ii) the Committee on Natural Resources of the House of Representatives.

SEC. 8. RELATIONSHIP TO OTHER FEDERAL AGENCIES.

- (a) IN GENERAL.—Nothing in this Act affects the authority of a Federal agency to provide technical or financial assistance under any other law.
- (b) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.
- (c) OTHER FEDERAL AGENCIES.—Nothing in this Act—
 - (1) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;
 - (2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or
 - (3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

SEC. 9. PROPERTY OWNERS AND REGULATORY PROTECTIONS.

Nothing in this Act—

- (1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, problem, or activity conducted within the Heritage Area;
- (2) requires any property owner to—
 - (A) permit public access (including Federal, tribal, State, or local government access) to the property; or
 - (B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;
- (3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;
- (4) conveys any land use or other regulatory authority to the local coordinating entity;
- (5) authorizes or implies the reservation or appropriation of water or water rights;
- (6) diminishes the authority of the States of Massachusetts and New Hampshire to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or
- (7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this Act \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(b) **AVAILABILITY.**—Funds made available under subsection (a) shall remain available until expended.

(c) **COST-SHARING REQUIREMENT.**—

(1) **IN GENERAL.**—The Federal share of the total cost of any activity under this Act shall be not more than 50 percent.

(2) **FORM.**—The non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

SEC. 11. TERMINATION OF FINANCIAL ASSISTANCE.

The authority of the Secretary to provide financial assistance under this Act terminates on the date that is 15 years after the date of enactment of this Act.

PURPOSE

The purpose of S. 827 is to establish the Freedom's Way National Heritage Area in the Commonwealth of Massachusetts and the State of New Hampshire.

BACKGROUND AND NEED

The Freedom's Way National Heritage Area, located northwest of Boston, includes 37 communities in Massachusetts and 8 in New Hampshire that encompass a series of common themes related to the development of American freedom, democracy, conservation, social justice, and ethnic diversity. The heritage area includes significant historical, cultural, and natural sites such as the Minute Man National Historical Park, the Oxbow and Great Meadows National Wildlife Refuge, the homes of Henry David Thoreau, Ralph Waldo Emerson, Nathaniel Hawthorne, and Louisa May Alcott. The area also includes several national historic landmarks and districts. Both the New Hampshire and Massachusetts state legislatures have designated the Freedom's Way as a state heritage area.

LEGISLATIVE HISTORY

S. 827 was introduced by Senator Kerry on March 8, 2007. Similar legislation, H.R. 1297, was introduced in the House by Representatives by Congressman Olver. The text of H.R. 1297 was included in H.R. 1483, a bill to authorize the establishment of several national heritage areas, which passed the House of Representatives by a vote of 291–122 on October 24, 2007. The Subcommittee on National Parks held a hearing on S. 827 and H.R. 1483 on April 23, 2008.

At its business meeting on May 7, 2008, the Committee on Energy and Natural Resources ordered S. 827 favorably reported, with an amendment in the nature of a substitute.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on May 7, 2008, by a voice vote of a quorum present, recommends that the Senate pass S. 827, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 827, the Committee adopted an amendment in the nature of a substitute. The amendment removes

the findings section and makes other conforming amendments so that the authorization for the heritage area is consistent with other heritage area bills reported by the Committee. The amendment is explained in detail in the section-by-section analysis, below.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title, the “Freedom’s Way National Heritage Area Act”.

Section 2 lists the purposes of the Act.

Section 3 defines key terms used in the Act.

Section 4(a) establishes the Freedom’s Way National Heritage Area in the Commonwealth of Massachusetts and the State of New Hampshire.

Subsection (b) describes the boundaries of the heritage area as depicted on the map.

Subsection (c) states that a map of the heritage area shall be included in the management plan and available on file in appropriate offices of the National Park Service and the local coordinating entity.

Subsection (d) designates the Freedom’s Way Heritage Association, Inc., as the local coordinating entity for the heritage area.

Section 5(a) details the duties of the local coordinating entity.

Subsection (b) lists the authorities of the local coordinating entity. The subsection authorizes the local coordinating entity to use Federal funds to prepare activities recommended in the management plan for the heritage area, pay for operational expenses, make grants and enter into cooperative agreements, hire staff, obtain funds or services from any source, and contract for goods or services.

Subsection (c) prohibits the local coordinating entity from using Federal funds made available under this Act to acquire real property or an interest in real property.

Subsection (d) states that the local coordinating entity may use Federal funds made available under this Act to assist non-Federal property described in the management plan or listed (or eligible for listing) on the National Register of Historic Places.

Section 6(a) requires the local coordinating entity to prepare and submit for review a management plan to the Secretary no later than three years after the date on which the funds are made available to carry out this Act.

Subsection (b) lists the requirements for the contents of the management plan.

Subsection (c) states that if the management plan is not submitted within the three-year period, Federal funding is suspended until the plan is submitted to the Secretary.

Subsection (d) requires the Secretary to approve or disapprove the management plan within six months after receiving the plan and lists the criteria the Secretary is to consider in determining whether to approve or disapprove the plan.

Section 7(a) authorizes the Secretary of the Interior to provide technical and financial assistance to the local coordinating entity to develop and implement the management plan.

Subsection (b) requires the Secretary to conduct an evaluation of the accomplishments of the national heritage area not later than three years before the date Federal funding authority terminates.

The evaluation shall assess the progress of the management entity with respect to accomplishing the purposes of this Act for the heritage area and whether the management entity achieved the goals and objectives of the approved management plan for the heritage area. The evaluation is also required to analyze governmental investments in the heritage area to determine the leverage and impact of the investments. The Secretary is directed to prepare a report, based on the evaluation, that includes recommendations for the future role of the National Park Service, if any, for the heritage area. If the report recommends that Federal funding for the area be reauthorized, it is required to include an analysis of ways Federal funding may be reduced or eliminated. The report is to be submitted to the House and Senate authorizing committees.

Section 8(a) clarifies that nothing in this Act affects the authority of a Federal agency to provide technical or financial assistance under any other law.

Subsection (b) encourages the head of a Federal agency planning to conduct activities that may have an impact on the heritage area to consult and coordinate the activities with the Secretary and the management entity to the maximum extent practicable.

Subsection (c) clarifies that nothing in this Act modifies authorities of Federal agencies to manage Federal land, limits the discretion of a Federal agency to implement an approved land use plan, or modifies or alters any authorized use of Federal land.

Section 9 contains several savings provisions to clarify that the designation of the national heritage area will not affect private property rights, affect governmental land use regulation, reserve or appropriate water rights, diminish the authority of the State to manage fish and wildlife, or create any liability for property owners within the heritage area.

Section 10(a) authorizes total appropriations of \$10 million, with not more than \$1 million authorized to be appropriated for any fiscal year.

Subsection (b) requires Federal funding to be matched on a 50:50 basis with funds from non-Federal sources.

Section 11 provides that the authority of the Secretary to provide assistance under this Act terminates 15 years after the date of enactment.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

S. 827—Freedom’s Way National Heritage Area Act of 2008

S. 827 would establish Freedom’s Way National Heritage Area (NHA) in New Hampshire and Massachusetts and designate the Freedom’s Way Heritage Association, Inc., a local nonprofit organization, as the management entity for the NHA. The bill would authorize the appropriation of \$10 million, not to exceed \$1 million annually, for financial assistance to the association and other eligible entities over the next 15 years.

Assuming appropriation of the authorized amounts, CBO estimates that implementing S. 827 would cost \$5 million over the 2009–2013 period and an additional \$5 million after 2013. Enacting the legislation would have no effect on direct spending or revenues.

S. 827 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

On October 10, 2007, CBO transmitted a cost estimate for H.R. 1483, the Celebrating America's Heritage Act, as ordered reported by the House Committee on Natural Resources on September 26, 2007. H.R. 1483 would establish six national heritage areas, including the Freedom's Way NHA. The estimated cost of S. 827 is the same as the estimated cost of the similar provision in H.R. 1483.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 827. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 827, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

In accordance with paragraph 4 (b) of rule XLIV of the Standing Rules of the Senate, the Committee provides the following identification of congressionally directed spending items contained in the bill, as reported:

Section	Provision	Member
10(a)	Authorization of appropriations	Kerry.

EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service at the April 23, 2008, subcommittee hearing on S. 827 follows:

STATEMENT OF DANIEL N. WENK, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to present the Department's views on S. 827, a bill to establish the Freedom's Way National Heritage Area in the Commonwealth of Massachusetts and the State of New Hampshire.

While the Department recognizes the appropriateness of designating the Freedom's Way National Heritage Area, we recommend that the committee defer action on S. 827 and all other proposed heritage area designations until program legislation is enacted that establishes guidelines and a process for the designation of national heritage areas. In summer 2006, the Administration sent to Con-

gress a legislative proposal to establish such guidelines and a process for designation. Bills were introduced in the 109th Congress (S. 243, H.R. 760 and H.R. 6287) that incorporated the majority of the provisions of the Administration's proposal, and S. 243 passed the Senate. During the 110th Congress, a similar heritage area program bill, S. 278, has been introduced, and we look forward to continuing to work with Congress on this very important issue.

With 37 national heritage areas designated across 27 states, and more heritage area legislative proposals in the pipeline, the Administration believes it is critical at this juncture for Congress to enact national heritage area program legislation. This legislation would provide a much-needed framework for evaluating proposed national heritage areas, offering guidelines for successful planning and management, clarifying the roles and responsibilities of all parties, and standardizing timeframes and funding for designated areas. Program legislation also would clarify the expectation that heritage areas would work toward self-sufficiency by outlining the necessary steps, including appropriate planning, to achieve that shared goal.

The proposed Freedom's Way National Heritage Area includes 37 Massachusetts and 8 New Hampshire communities northwest of Boston. It includes the Minute Man National Historical Park, the Oxbow and Great Meadows National Wildlife Refuges, the Concord, Assabet and Sudbury Wild and Scenic Rivers, as well as National Historic Landmarks and Districts, and many sites listed on the National Register of Historic Places.

This is a region that substantively influenced our democratic forms of governance and the development of intellectual traditions that underpin the concepts of American freedom, democracy, conservation, social justice, and ethnic diversity. Historically prominent leaders in literature and intellectual thought found the region to be a source of inspiration including Henry David Thoreau, Ralph Waldo Emerson, Nathaniel Hawthorne and Louisa May Alcott. It was also the locale for expressions of religious freedom and social experimentation with the settlements of the Shakers, Millerites and Transcendentalists. Its natural and community resources are exceptional examples of the rural beauty of the New England landscape. The events that occurred here during the American Revolution include the ride of Paul Revere and the engagements at Lexington and Concord, which are known to virtually every elementary school child in the nation.

The concept of a Freedom's Way National Heritage Area was defined in a feasibility study undertaken by the proposed management entity, the Freedom's Way Heritage Association, Inc. Priorities outlined in this study speak to linkages through education and preservation of the region's nationally distinctive natural and cultural resources through partnerships. The region has a strong partnership base among its many cultural institutions, businesses,

non-profit organizations, local governments, and citizens. The governors of both states have endorsed the designation of a national heritage area.

The National Park Service reviewed the national heritage area feasibility study undertaken by the proposed management entity in July 1997. Since it did not fully address the interim national heritage area criteria, representatives of our Northeast Region conducted field reconnaissance visits in November 2000. Based on the findings of the reconnaissance team, the Freedom's Way Heritage Association, Inc. submitted an addendum in April 2001 to the 1997 Freedom's Way National Heritage Area Feasibility Study entitled "The Proposed Freedom's Way National Heritage Area and Compliance with the National Park Service Interim Criteria for National Heritage Area Designation." The National Park Service evaluated that addendum, as well as the original feasibility study, and found that the criteria were fully addressed and met.

Since 2001 when the study was amended, both Massachusetts and New Hampshire have enacted legislation establishing state heritage area commissions related to Freedom's Way. Although these state laws are quite similar to each other, and appear to be consistent with the general aims of S. 827, they raise a number of issues. For example, each state is authorized to establish a Freedom's Way Heritage Area Commission, and among other duties "prepare and implement a unified historic preservation and interpretive plan for the area." If S. 827 is enacted, the Freedom's Way Heritage Association, Inc., a nonprofit organization, would be the management entity, and would also be charged with developing a comprehensive management plan for the area. It is unclear how the heritage area would function with three separate management entities charged with similar duties. The Massachusetts law states that if a federal heritage area is designated by act of Congress, the governor may terminate the commission when a federal management entity is appointed, but the New Hampshire law includes no such provision.

It is our understanding that if the heritage area is federally designated, then both state commissions would not be established and the responsibility to prepare the management plan would be the duty of the Freedom's Way Heritage Association, Inc. as the management entity.

Mr. Chairman, while the proposed Freedom's Way National Heritage Area contains significant natural and cultural resources and meets the established criteria for congressional designation, we would again request that the committee defer action until national heritage area program legislation is enacted. However, if the committee chooses to move ahead with this bill, the Department would like to work with them to make some technical corrections to the bill. In addition, the Department would recommend that the bill be amended to include an additional requirement for an evaluation to be conducted by the Secretary, three years prior to the cessation of federal funding

under this act. The evaluation would examine the accomplishments of the heritage area in meeting the goals of the management plan; analyze the leveraging and impact of investments to the heritage area; identify the critical components of the management structure and sustainability of the heritage area; and recommend what future role, if any, the National Park Service should have with respect to the heritage area.

Mr. Chairman this completes my testimony. I would be happy to answer any questions that you or any of the members of the subcommittee may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 827, as ordered reported.

